

Washington State Board of Health Rule Review
Emergency Powers of Local Health Officers
Discussion of Other Issues

The State Board of Health has very specific authority to adopt rules for the imposition of isolation and quarantine and has been directed to do so in the past by the Legislature. Initial analyses have identified the most immediate gaps as civil protections and enforcement of local health officer orders. The Board has chosen to focus its immediate rule revision efforts on addressing these two points.

Isolation and quarantine laws, however, could encompass a broad list of related issues—for example, inspection of contaminated property and commandeering facilities necessary for mass detentions. The Board also has broad authority under RCW 43.20.050 to “adopt rules for the prevention and control of infectious and noninfectious diseases.” Its initial focus on due process and enforcement notwithstanding, the Board is open to suggestions about other issues that should be dealt with by Board rule—either in a subsequent round of rule making or by expanding the scope of the current round.

It is important that we all think carefully about how best to deal with any gaps—about whether state legislation, local ordinances, rule making by another agency, or inclusion in emergency management plans might be preferable to adopting a Board rule. It is also important to think about whether any rule changes belong in the WAC chapters and sections now under review. Chapter 246-101 WAC is specific to *reporting* as opposed to control measures, and Chapter 246-100 WAC as currently writing is specific to *communicable* disease control.

Some “other issues” that have come up in discussions during the rule drafting process to date include:

- Do we need to more specifics about the role of local health officers to respond to chemical and radiologic contamination? How would this work across agencies, and in particular, with traditional hazardous materials (HAZMAT) responders?
- What would be the standard for chemical and/or radiologic contamination control measures?
- Should we extend something like the meth lab clean-up statute, Chapter 64.44 RCW, to other types of contamination—including clear authority to enter, seal, and decontaminated property?
- If we expand isolation and quarantine significantly to include more about decontamination, should the new sections be taken out of the communicable disease chapter and made its own chapter?
- Does there need to be clearer authority to seize, inspect, decontaminate, and/or destroy goods?
- Does there need to be clearer authority to enter, inspect, evacuate, decontaminate, and/or close facilities?
- Does there need to be clearer authority to procure, designate and/or commandeer goods and facilities necessary for isolation, quarantine, or treatment? (The existing definition of detention says it “may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.”)
- Does there need to be clearer authority to require a health care facility to provide services?
- Does there need to be clearer authority to require a health care provider to provide services?